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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,926	05/30/2001	Volker Hilarius	MERCK-2264	5145

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EXAMINER

ANDERSON, REBECCA L

ART UNIT PAPER NUMBER

1626

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,926

Applicant(s)

HILARIUS ET AL.

Examiner

Rebecca L Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-10, 15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-18 are currently pending in the instant application. Claims 1-10, 15 and 18 are objected to as containing non-elected subject matter. Claims 11-14 are withdrawn from further consideration as being for non-elected inventions. Claims 16 and 17 appear allowable over the prior art of record. As per the interview of 4 October 2004, the finality of the office action mailed 11 February 2004 is withdrawn and this non-final office action is issued setting forth the outstanding claim objections.

Election/Restrictions

As per the restriction requirement and the previous office actions, claims 11-14 are still considered non-elected claims and are withdrawn from consideration. Claim 11 is an independent and distinct product, specifically an electrochemical cell comprising a cathode, an anode, a separator and the product of claim 1. Claim 12 is an independent and distinct product, specifically a supercapacitor which comprises at least a pair of electrodes, a separator and the product of claim 1. Claim 13 is an independent and distinct product specifically an electrolyte composition with at least two components of which only one is the product of claim 1. Claim 14 is an independent and distinct product, specifically an electrolyte composition comprising the product of claim 1 and a conductive salt. Accordingly, under *In re Ochiai*, these claims are not rejoinable subject matter since they are not directed to processes of using or processes of making exclusively to the allowable product. Claims 1-10, 15 and 18 still contain non-elected subject matter, as per the restriction requirement and page 3 of the office action mailed

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4/21/03 and the office action mailed 11 February 2004, these claims are still objected to as containing non-elected subject matter and are partly withdrawn.

Response to Submission of English Translation of Foreign Priority documents

The submission of the English Translation of the Foreign Priority document DE 100 26 565.0 which was filed with the Office on 10 June 2004 has overcome the 35 USC 102(a) rejections of claims 1, 2, 4, 5 and 9 as being anticipated by KUHN et al and JP 2000-254513 and the 35 USC 103(a) rejections of claims 6, 16 and 17 over KUHN et al or JP 2000-254513 and (JP 11-209583 or JP 2000-17145).

Claim Objections

Claims 1-10, 15 and 18 are objected to as containing non-elected subject matter. Claims 1-10 and 15 drawn solely to the elected invention identified in the office action mailed 21 April 2003 and reproduced below would appear allowable over the prior art of record.

The elected invention for search and examination is the products of claims 1-10 and 15 and 18 wherein K⁺ is the imidazolium cation, where the R groups are as found in claim 1 and A⁻ is an anion as found in claim 1.

Conclusion


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday 5:30AM to 2:00PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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1/3/05



for Joseph K. McKane
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